



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

April 11, 2016

JON FRANCIS, TREASURER  
KEEP THE PROMISE III  
P.O. BOX 92225  
AUSTIN, TX 78709-2225

**Response Due Date**

**05/16/2016**

IDENTIFICATION NUMBER: C00575423

REFERENCE: FEBRUARY MONTHLY REPORT (01/01/2016 - 01/31/2016)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 3 item(s):

1. Your report discloses a disbursement to "American Express" on Schedule B supporting Line 21(b) of the Detailed Summary Page. Memo text attached to the report states "American Express Merchant Account, on January 27, 2016, charged the Keep the Promise III Bank of America account \$10,291.00 the amount which reflects credit card processing errors. 230 individuals were double charged due to duplicate batch deliveries to the process server, ALL ADMITTEDLY SOLEY ERRORS BY AMERICAN EXPRESS AND NOT KEEP THE PROMISE III. All 230 were refunded and notified of this error on behalf of American Express. The \$10,291.00 amount noted on the January 29, 2016 transaction, reflects the total double charge errors by American Express." However, it appears that the receipt of this contribution has not been reported by your committee.

Please disclose the receipt and subsequent refund of these contributions on the report covering the period during which the transaction occurred.

2. Your committee filed 24 and 48 hour reports informing the Commission of independent expenditures made in support or opposition of federal candidates with "ACTIVE ENGAGEMENT, LLC," "FACEBOOK," "INTENSE PRINTING," "STripes AGENCY LLC," "THE LUKENS COMPANY" and "YOUTUBE" as the payee(s). However, the states of public dissemination disclosed on these reports do not appear to correlate with the entries on

KEEP THE PROMISE III

Page 2 of 3

Schedule E, supporting Line 24 for the reporting period. If your committee has filed 24 and 48 hour reports supporting independent expenditures not reflected on your reports, you must file Schedule E during the appropriate reporting period to disclose these payments. Please amend your report to clarify this discrepancy and provide further information concerning these reports. (11 CFR §104.4)

3. Schedule E for Line 24 of your report discloses MEMO entries for apparent independent expenditures made on behalf of "RAFAEL EDWARD 'TED' CRUZ" during this reporting period. However, a Schedule D supporting Line 10 has not been provided. Please be advised that if a communication is aired in one reporting period and the payment is made in a later reporting period, the independent expenditure should be reported as a memo entry on Schedule E when the communication is publicly disseminated or distributed, and on a Schedule D if it is a reportable debt under 11 CFR §104.11. Subsequently, when the payment for the independent expenditure is made, the report should show a payment on Schedule E and the same payment on Schedule D, if applicable. Please amend your report to clarify this apparent discrepancy. (11 CFR §104.4)

- Schedule B of your report discloses an expenditure(s) for "PAC COMMUNICATIONS CONSULTING" and "PAC MEDIA." For your information and consideration when preparing future filings, if a portion or all of these expenditures were for public communications (as defined by 11 CFR §100.26) containing express advocacy as defined under 11 CFR §100.22, this would constitute an independent expenditure and would be disclosed on a Schedule E supporting Line 24. Public communications that refer to a clearly identified Federal candidate, but that do not expressly advocate the election or defeat of that candidate would be reported on Schedule B for Line 21(b) of the Detailed Summary Page.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**


Electronic filers must file amendments (to include statements, designations and reports)

KEEP THE PROMISE III

Page 3 of 3

in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1157.

Sincerely,

A handwritten signature in black ink that reads "Laura E. Sinram". The signature is written in a cursive style with a large, stylized "L" and "S".

Laura Sinram

Sr. Campaign Finance & Reviewing Analyst  
Reports Analysis Division